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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,054	08/20/2001	Richard Horn	ZTP 99 P 4011	6717

24131 7590 01/13/2005

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,054

Applicant(s)

HORN ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8 and 12-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8 and 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 12-14, 20-22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasqualini et al. (Patent No. 4,617,759) in view of Kordes (Patent No. 4,053,972). Pasqualini et al. discloses a refrigerator door comprising a metal outer panel (16) having a free edge portion, see Figures 1 and 2., an inner panel (17) having an edge portion spaced apart from the outer panel; a thermal foamed insulation disposed between the outer and inner panels, see column 1, lines 50-55, a plastic thermal insulating couple (1) being a fastening element of a door seal having connecting edge portions (9 and 19) connecting the edge portion of the inner panel with the free edge portion of the outer panel, see Figure 4, wherein the connecting edge portions behave as spring members that substantially thermally uncouple the edge portion from the free edge portion, and a door seal (11) having a seal foot (12) directly held by the thermal insulating couple. Pasqualini et al. does not teach a refrigerator door having both the inner and outer panels made of metal.

However Kordes (Patent No. 4,053,972) teaches a refrigerator door having both the inner and outer panels made of metal. See column 1, line 18. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the inner panel of Pasqualini et al. to be a metal material instead of made of plastic

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material as taught by Kordes in order to prevent/reduce thermally induced relative movement between the inner panel and outer panel and attendant damage to either panels when the door is filled with insulation material since both door panels are made of a metal material.

Claims 1-6, 8, and 12-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kordes (Patent No. 4,053,972) in view of Kiel (Patent No. 5,193,310).

Kordes discloses a refrigerator door comprising a metal outer panel (14) having a free edge portion (20) and a plastic inner panel (22) having an edge portion (24), see Figure 4, the free edge portion of the outer panel is vertically offset in a parallel plane from the edge portion of the inner panel; a thermal foamed insulation (28) disposed between the outer and inner panels, a thermal insulating couple (30) being a fastening element of a door seal having connecting edge portions connecting the edge portion of the inner panel with the free edge portion of the outer panel. Kordes further discloses that it is well known in the art to provide a refrigerator door with a metal inner panel. See column 1, line 18. Kordes is silent concerning a plastic thermal insulating couple.

However, Kiel teaches a plastic thermal insulating couple (18) substantially connecting between an offset free edge portion of the outer panel (12) and the edge portion of the inner panel (14), the thermal insulating couple comprising a door seal (20) that has a magnetic seal (24) and a seal foot (34) held by the insulating couple, see Figure 1, and the insulating couple having two receiving grooves (60 and 50) that

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substantially thermally uncoupling the edge portion from the free edge portion, see Figure 2.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to substitute the plastic inner panel of Kordes with a metal panel as taught by column 1, line 18, to increase the rigidity of the door.

Additionally, it would have been obvious to one of ordinary skill in the art to replace the thermal insulating couple of Kordes with a thermal coupling, as taught by Kiel, in order to have a thermal coupling that has a magnet seal to seal between the door and the cabinet of the refrigerator.

Response to Arguments

Applicant's arguments filed October 12, 2004 have been fully considered but they are not persuasive. With respect to the applicant's comments concerning the combination of Pasqualini et al. and Kordes, the examiner respectfully disagrees. Even though the inventive concept in Kordes relates to doors having a metal outer panel and a plastic inner panel, Kordes still discloses the fact that refrigerator doors having metal inner and outer panels is well known in the art. Moreover, the only difference between the disclosure of Pasqualini et al. and the applicant's claimed invention is the choice of material for the inner panel. Is the applicant's invention merely changing the material of the inner panel? If so, what unexpected or unusual results did the applicant achieve by changing the inner panel from a plastic to a metal? Since the properties of metals are well known in the art, one of ordinary skill in the art would be well aware of the benefits

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of changing the inner panel from plastic to metal and would be motivated to do based on the properties of the particular metal chosen. Furthermore, Pasqualini et al. still discloses a thermal uncouple whether or not Pasqualini et al. required such a thermal uncoupling because plastic inherently provides a barrier to heat transfer. Finally, the applicant's comments concerning the motivation to combine the teachings of Pasqualini et al. and Kordes are not persuasive because the applicant has failed to address the specific motivation to combine the references of record. The rationale to modify or combine the prior art does not have be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Since the applicant has failed to address the reasoning/rationale supplied by the examiner as to why the modification would have been obvious, the applicant's arguments are not persuasive.

With respect to the applicant's comments directed toward Kordes in combination with Pasqualini et al, the examiner respectfully disagrees. Kordes is only being used for the teaching of a door having an inner and outer panel comprising metal. Therefore, the specific teachings of how the metal outer panel and the plastic inner panel of Kordes are connected together in Kordes' own invention have no bearing on the combination of teachings of Pasqualini et al. and Kordes.

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With respect to the applicant's comments concerning Kordes in view of Kiel, the examiner respectfully disagrees. Even though the inventive concept in Kordes relates to doors having a metal outer panel and a plastic inner panel, Kordes still discloses the fact that refrigerator doors having metal inner and outer panels is well known in the art. Since the properties of metals are well known, one of ordinary skill in the art would be motivated to provide Kordes with an all metal construction as set forth in the rejection above. Even if Kordes and Kiel are silent about the connectors for connecting the inner and outer panels providing a thermal barrier, the plastic construction of the connector of Kiel inherently provides a thermal barrier and one of ordinary skill in the art would be motivated to provide Kordes with a connector, as taught by Kiel, to improve the seal between the door and the frame via the magnet.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
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January 10, 2005